

EXHIBIT 1

Declaration

John Pucciarelli, hereby declares, pursuant to 28 U.S.C. 1746 as follows:

1. I am a Commander serving on active duty in the United States Navy. I have served in the Navy for approximately 18 ½ years, primarily in the Surface Warfare and Fleet Support career fields. I currently serve as the Commanding Officer, Naval Consolidated Brig Charleston, South Carolina (hereinafter the Brig).
2. I reported to the Brig on 1 December 2006 to serve as the Brig's Executive Officer and served in that position until I assumed Command of the Brig on 3 July 2007. My primary duty includes command of 224 multi-service military and 26 civilian personnel operating a 25-acre, American Correctional Association (ACA) "nationally-accredited" medium-security confinement facility with a current rated capacity for 288 military prisoners. I also oversee the detention of Ali Saleh Kahlah Almarri (hereinafter Almarri). Information contained in this declaration is based upon my personal knowledge or information supplied to me in my official capacity.
3. Almarri is housed in the Special Housing Unit (SHU) wing at the Brig. He is the only enemy combatant currently detained at the Brig. He is held separately from the Brig's military prisoners who are detained for violations of the Uniform Code of Military Justice (UCMJ). Between the hours of approximately 0530 to 2200, Almarri's cell remains unlocked and he has free access to the entire dayroom adjacent to his sleeping area. The ACA national standard for dayrooms requires a minimum of 35 square feet of unencumbered space per occupant, but Almarri's dayroom area is approximately 1,000 square feet. The living area where he typically spends each day contains the cell that he sleeps in; a cell that has been converted to an Islamic library and study area; a cell for storage of legal documents and non-religious texts; and an indoor exercise area containing a treadmill, elliptical trainer, and Platinum Plus weight machine. This area also contains a personal computer available for Almarri's use. From 2200 to 0530 hours, Almarri is confined to his sleeping cell area. This cell is the same type cell occupied by UCMJ prisoners and it measures 8 feet by 10 feet (80 square feet); meeting the ACA standard for prisoners assigned to maximum custody. Twice per day, Almarri is offered a 2-hour period of outdoor recreation (for a total of 4 hours daily) in an approximately 1,635 square foot enclosed outdoor area where he is free to walk, run, play soccer, lift free weights, etc. The temperature in Almarri's living area is regularly maintained in the same temperature range as those areas of the Brig housing members of the military. Temperature control in the Brig housing areas, including Almarri's living area, is currently maintained via remote control by an off-site environmental controls contractor. Temperatures in Brig areas, however, are monitored by Brig personnel so that corrections can be ordered to prevent inappropriate fluctuations or extremes. The lighting in Almarri's sleeping cell is controlled by a switch in Almarri's dayroom area. Thus, when Almarri has access to his dayroom, he can control the lighting in his sleeping cell; when Almarri is confined to his cell, the lights in his cell are turned on or off at his request by Brig staff.

4. Almarri has daily contact with members of the Brig staff who run the detention facility. Staff members on duty have contact with Almarri throughout each shift. This includes meal delivery; delivery of mail, magazines and other requested materials; and periodic visits from the shift supervisor. Staff also respond to Almarri's cell when he alerts staff by pushing a call button. In addition, Almarri can request a visit from the shift supervisor at any time. Also, a member of my senior staff typically visits Almarri daily, Monday through Friday (excluding holidays or when Brig operational needs preclude it). The duration of this visit depends on Almarri's desire to converse with the staff member and can range anywhere from minutes to a few hours. Almarri also receives daily visits from medical personnel, and a weekly visit from the command chaplain. Due to the frequency of their interactions with Almarri, these individuals are attuned to changes in Almarri's behavior. In addition to these staff visits, Almarri generally receives weekly unmonitored telephone calls from his attorneys and approximately monthly visits from his local counsel. During my command tenure, we have never refused an attorney visit or telephone call although on very infrequent occasions, we have not been able to accommodate a specific requested time for a visit or call due to short notice of the request by counsel or due to competing operational commitments. In those instances, the visit or telephone call has occurred within 24 hours of the requested time. Also, the International Committee for the Red Cross (ICRC) has regular, unmonitored access to Almarri.
5. The Brig monitors Almarri's daily activities in order to identify any negative trends in his mental or physical well-being. The tracked activities include daily prayer, hygiene, recreation, sleep, interaction with staff, medical visits, eating patterns and his weight. When there is a visit from a mental health provider, we share this data with him or her so that he or she can assess any trends or changes in behavior. This coupled with discussions with staff and discussions with Almarri himself helps our visiting mental health provider to monitor Almarri's status. Almarri receives a visit from a mental health professional (a social worker, psychologist or psychiatrist) approximately every 30 days. During these visits, the mental health professional will initially review logs, otherwise observe Almarri, and then attempt to visit with him. Almarri has declined certain of these visits in the past, although he has also frequently accepted them. The frequency of these visits can be increased, if Almarri desires it.
6. Aside from the routine practices outlined in the preceding paragraph, Brig staff are in a position to note signs of any deterioration in Almarri's mental health and take steps to address the situation. The SHU guards who see and interact with Almarri daily during their shifts have a high degree of familiarity with his routines so that any change in behavior would stand out. Members of my senior staff visit less frequently, but are also very familiar with his behaviors. In the event that Almarri either self-reported a mental health concern, or the Brig staff observed a negative change in his behavior, appropriate steps to ensure Almarri's safety would be taken, if necessary, and our mental health professional would be contacted to conduct an evaluation and recommend appropriate further steps or treatment.
7. Almarri can request a visit by a mental health professional or other Brig medical staff member at anytime. To date, none of Almarri's mental health providers have

recommended mental health treatment or suggested that Almarri needed more frequent mental health care visits. Were these recommendations to be made, we would provide this additional treatment and care.

8. Since I have been at the Brig, Almarri has had no significant weight loss. In fact recently, he has put on several pounds of muscle. We attribute this weight gain to his healthy eating and the exercise regime he has implemented that includes running and weight lifting.
9. The Brig personnel are sensitive to the religious practices and beliefs of Almarri. He is allowed to pray as often as he desires, including inside his cell or in the dayroom. To facilitate his prayer schedule, he has been given a watch, information concerning the direction to Mecca, and a daily print-out of call to prayer times, and he also has a computer program which alerts him to when it time to pray. In addition to his Koran, he has a Kufi (religious headgear), prayer rug, prayer oil, prayer beads and a Miswak (chewing stick). Members of the senior staff on occasion have driven to Columbia, South Carolina, to buy Almarri dates and other traditional foods to support Almarri's religious observances. At Almarri's request he was allowed to change his daily schedule during Ramadan in the Fall of 2007 so that the majority of his waking hours are at night when he had more energy and religious guidelines allowed him to eat.
10. The Brig provides Almarri with Halal meals which are prepared by staff in the on-site Galley. When Almarri expressed concerns about whether the food was in compliance with Muslim dietary laws, we brought him to the galley to tour the facility and allowed him to ask our Food Service Officer questions regarding food preparation. In addition, we have offered him a video of a local civilian Imam certifying that our Galley is in compliance with Muslim dietary laws.
11. The library to which Almarri has typical daily access contains 384 volumes of religious texts, including various Hadiths, Tafsirs, dictionaries and other texts to aid in his religious study. Almarri's library also has 11 other books covering various subjects, including personal fitness, computer science, and the natural sciences. We are currently exploring the option of providing Almarri books on CD for use on his computer. Currently, any books that have been approved for release to detainees at Guantanamo Bay, Cuba, are also approved for release to Almarri. Currently, there are approximately 1,500 Arabic titles on that list that have been approved for release to detainees. If Almarri requests a book that is not on that list, the book is sent to JTF-GTMO for screening and approval. If the requested book is approved, it is then added to Almarri's library.
12. Almarri is permitted to send and receive family mail through the ICRC, subject to screening and, as appropriate, redaction of the mail. Almarri is also permitted to send and receive legal mail. This mail is not screened by the government. Both Almarri's incoming and outgoing family correspondence is screened and cleared at JTF-GTMO, as the Brig does not have the appropriate staff to screen mail. I understand that certain steps have been taken in an effort to improve mail processing times. For example, Almarri received hundreds of holiday cards from non-family individuals, which had

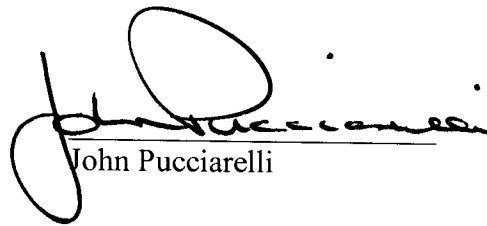
impacted processing time. At Almarri's attorney's request, such non-family correspondence is no longer being processed. In addition, we have implemented changes in the routing method used for transmitting Almarri's family mail to JTF-GTMO for processing. Also, Almarri's family recently sent a new set of video clips for Almarri. In an effort to reduce processing times of these clips, they were sent electronically to JTF-GTMO for screening, rather than on DVD by mail, as had been the practice previously.

13. Almarri has been authorized two monitored telephone calls per calendar year with family members, subject to verification of the identities of call participants. Arrangements are currently underway for the first such call.
14. Almarri receives weekly Arabic news clippings provided via JTF-GTMO. He also receives *USA Today*, Monday thru Friday, and the *Charleston Post and Courier* on weekends, with redactions made to these newspapers of stories related to the War on Terror. In addition, at Almarri's request, the Brig subscribes to and provides him with assorted magazines. These current subscriptions are *Men's Fitness*, *PC Magazine*, and *Consumer Reports*. Almarri also has access upon request to any of the 5,191 books currently in the Brig's library. He is allowed to have two books and 3 magazines from the Brig library per day. He can exchange them for others after 24 hours. There are 1,687 books maintained in the Chaplain's library which he may also access. Almarri has previously obtained books from this source during Command Chaplain visits. At his request he has been provided various computer and mathematics textbooks and CDs apart from the Brig's normal library holdings. In addition to the software that was provided with his computer, Almarri's attorneys have been permitted to provide him a variety of software, including C++ to aid him in building his Hadith database. In addition, Almarri can watch cable television or pre-approved entertainment or educational videos and DVDs in the dayroom available to him, although he is not permitted to watch news programs. He can also watch certain movies that we receive on monthly distribution from the Navy Motion Picture Service for our UCMJ general population.
15. As Commanding Officer, it is my responsibility to maintain good order and discipline at the Brig. My senior staff has discussed the required standards of conduct with Almarri. Almarri also can inquire concerning, comment upon, and receive clarification of rules of conduct or other matters through direct correspondence with me through the Brig chit system. He is permitted two such chits per day and receives responses from me in writing. When Almarri is alleged by a member of staff to be non-compliant, the following process is used to address the incident. First, the staff member observing the behavior writes a discipline report describing the behavior. After consultation with my senior staff, I then write a letter of notification to Almarri stating the allegation of non-compliance and my intent to take disciplinary action. Almarri then has 24 hours to respond to the allegation. I then consider Almarri's response, if any, and the recommendations of my senior staff in sustaining the allegation of non-compliance and imposing a sanction. Sanctions are not imposed for every incident of misbehavior or where behavior is judged not to be an intentional transgression of appropriate conduct. Any sanctions are directly related to Almarri's noncompliance and are measured attempts to promote compliance with standards of conduct. Certain basic comfort items and

activities are not subject to loss by Almarri through these sanctions, including personal hygiene items, Koran, clothing, blanket, Brig-issued mattress and lumbar-support cushions, three showers per week, and multiple indoor/outdoor exercise periods per week. Items may be subject to removal if they are destroyed or have become a hazard to Almarri or my staff. Almarri's other religious observance items likewise are not subject to removal as a sanction for noncompliance unless the items are destroyed or become a hazard to Almarri or the Brig staff. During my tenure as Brig Commander, I have not removed any of these items.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 10TH day of April, 2008



John Pucciarelli